

III. Remarks

A. Status of the Application

Claims 1-3, 6-12, 17-20 and 27-29 were previously pending, with claims 27 and 28 having been withdrawn from consideration.

Claims 1, 17 and 18 have been amended.

Claims 2, 3, 6-12, 19, 20 and 27-29 have been maintained in their original or previously presented form.

Claims 30-32 have been added.

As a result, claims 1-3, 6-12, 17-20 and 27-32 are pending, with claims 27 and 28 withdrawn from consideration.

Favorable consideration of this application is respectfully requested.

B. Priority Application

Applicants thank the Examiner for noting in the Final Office Action mailed October 14, 2010 that a certified copy of priority Japanese application number 2003-177228 had not been filed at the time of issuance of the Final Office Action.

A certified copy of priority Japanese application number 2003-177228 was filed in the U.S. Patent Office on January 18, 2011.

C. Support for Amendments to Claims 1, 17 and 18

The amendments to claims 1, 17 and 18 are supported by at least Figs. 1-3; lines 22-31 on page 4; lines 11-14 on page 6; and lines 11-31 on page 20 of the application as originally filed.

D. Rejections Under 35 U.S.C. §103(a)

1. Claims 1-3, 6-12, 17 and 29

Claims 1-3, 6-12, 17 and 29 stand rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2001/0046699 ("Tajima '699 "). Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

As the PTO recognizes in MPEP §2142:

“The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.”

The Examiner cannot establish a *prima facie* case of obviousness in connection with amended claim 1 for the following reasons.

Amended claim 1 recites:

A sample arraying/assembling device comprising:

- a distributing section which is capable of holding respective solutions containing samples to be distributed, the distributing section comprising a plurality of holding ends arranged in a predetermined matrix, the matrix comprising:

- a plurality of columns spaced in a parallel relation at predetermined first spacing intervals in a first direction; and

- a plurality of lines spaced in a parallel relation at predetermined second spacing intervals in a second direction, the second direction being perpendicular to the first direction, each of the lines having a first length in the first direction equal to at least the sum of the predetermined first spacing intervals of the columns in the first direction;

and

- a wound body comprising:

- one of a plate body and a prism, the one of the plate body and the prism defining a plane surface of the wound body; and

- a string-like or thread-like slender foundation member having a second length and on which the samples are to be distributed, wherein the second length of the foundation member is equal to at least the product of the first length multiplied by the number of lines in the matrix;

- wherein parallel-spaced portions of the foundation member are arranged on the plane surface of the wound body and are spaced in a parallel relation on the plane surface at winding intervals corresponding to the predetermined second spacing intervals of the lines of the matrix;

- wherein the number of parallel-spaced portions of the foundation member equals the number of lines in the matrix;

- wherein the holding ends of the distributing section can come into contact with the foundation member in response to relative movement between the distributing section and the wound body in a third direction, the third direction being perpendicular to each of the first and second directions;

and

- wherein, in response to the relative movement between the distributing section and the wound body in the third direction and the resulting contact of the holding ends with the foundation member, the distributing section distributes the samples along each of the parallel-spaced portions of the foundation member, the distributed samples being spaced at intervals

corresponding to the predetermined first spacing intervals of the columns of the matrix.

35 U.S.C. §103(a) provides that:

[a] patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains ...(emphasis added).

Therefore, when evaluating a claim for determining obviousness, the subject matter of the claim as a whole must be evaluated. However, in the present matter, Tajima '699 fails to disclose the subject matter of amended claim 1.

In particular, contrary to the subject matter of amended claim 1, Tajima '699 does not disclose a distributing section which is capable of holding respective solutions containing samples to be distributed, the distributing section comprising a plurality of holding ends arranged in a predetermined matrix, the matrix comprising a plurality of columns spaced in a parallel relation at predetermined first spacing intervals in a first direction; and a plurality of lines spaced in a parallel relation at predetermined second spacing intervals in a second direction, the second direction being perpendicular to the first direction, each of the lines having a first length in the first direction equal to at least the sum of the predetermined first spacing intervals of the columns in the first direction; and a wound body comprising one of a plate body and a prism, the one of the plate body and the prism defining a plane surface of the wound body, and a string-like or thread-like slender foundation member having a second length and on which the samples are to be distributed, wherein the second length of the foundation member is equal to at least the product of the first length multiplied by the number of lines in the matrix.

In further contrast to the subject matter of amended claim 1, Tajima '699 does not disclose a foundation member having parallel-spaced portions, the number of parallel-spaced portions equaling the number of lines in the matrix in which the holding ends are arranged.

For the foregoing reasons, it is clear that Tajima '699 does not disclose the subject matter of amended claim 1. There is also no reason to modify the disclosure of Tajima '699 to provide the device of claim 1. Therefore, claim 1 is allowable over Tajima '699.

Claims 2, 3, 6-12 and 29 depend upon and include the subject matter of claim 1 and therefore are allowable for at least the same reasons as noted above with respect to claim 1.

Claim 17 has been amended to include elements that are similar to the elements of amended claim 1 discussed above in connection with Tajima '699. Therefore, amended claim 17 is allowable for at least the same reasons as noted with respect to amended claim 1.

For all of the foregoing reasons, the rejection of claims 1-3, 6-12, 17 and 29 under 35 U.S.C. §103(a) over Tajima '699 should be withdrawn.

2. Claims 18-20

Claims 18-20 stand rejected under 35 U.S.C. §103(a) over Tajima '699, and further in view of U.S. Patent No. 5,895,631 ("Tajima '631"). Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

Claim 18 has been amended to include elements that are similar to the elements of amended claim 1 discussed above in connection with Tajima '699. Tajima '631 does not supply the above-noted deficiencies of Tajima '699 with respect to amended claim 1 and thus also with respect to amended claim 18. Therefore, a rejection of claim 18 under 35 U.S.C. §103(a) cannot be supported by the combination of Tajima '699 and Tajima '631. Therefore, amended claim 18 is allowable.

Claims 19 and 20 depend upon and include the subject matter of amended claim 18 and therefore are allowable for at least the same reasons as noted above with respect to amended claim 18.

For all of the foregoing reasons, the rejection of claims 18-20 under 35 U.S.C. §103(a) over Tajima '699, and further in view of Tajima '631, should be withdrawn.

E. New Claims 30, 31 and 32

New claims 30, 31 and 32 are supported by at least Figs. 1-3 and lines 11-31 on page 20 of the application as originally filed.

New claims 30, 31 and 32 depend upon and include the subject matter of amended claims 1, 17 and 18, respectively. Therefore, new claims 30, 31 and 32 are allowable for at least the same reasons as noted above with respect to amended claims 1, 17 and 18, respectively.

Moreover, none of Tajima '699 and Tajima '631, alone or in any combination, discloses the subject matter of each of new claims 30, 31 and 32, namely a plate body that comprises first and second edges spaced in a parallel relation; a plurality of parallel-spaced striations formed in

the plane surface and positioned between the first and second edges, wherein each of the striations is perpendicular to each of the first and second edges, wherein the striations are spaced at intervals corresponding to the predetermined second spacing intervals of the lines of the matrix, wherein each of the striations has a third length that is equal to at least the first length, and wherein **the number of striations equals the number of lines in the matrix**; and a plurality of concavities formed in the plane surface along each of the striations, wherein **the concavities in each of the pluralities of concavities are spaced along the corresponding striation at intervals corresponding to the predetermined first spacing intervals of the columns of the matrix**; wherein each of the parallel-spaced portions of the foundation member extends along a respective one of the striations and thus also along the corresponding plurality of concavities spaced along the respective one of the striations; and wherein, in response to the relative movement between the distributing section and the wound body in the third direction, each of the holding ends contacts the foundation member at a location corresponding to the location of a respective one of the cavities in a respective one of the pluralities of concavities. Therefore, new claims 30, 31 and 32 are allowable for this reason, as well as for the reasons noted above with respect to amended claims 1, 17 and 18, respectively.

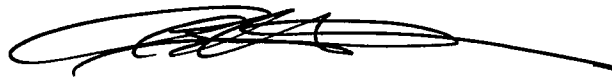
F. Conclusion

It is believed that all matters set forth in the Office Action mailed October 14, 2010 have been addressed. Applicants have made a diligent effort to advance the prosecution of this application by amending claims 1, 17 and 18, adding claims 30, 31 and 32, and submitting arguments in support of the patentability of claims 1-3, 6-12, 17-20 and 29-32.

In view of all of the above, the allowance of claims 1-3, 6-12, 17-20 and 27-32 is respectfully requested.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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